

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

UNITED STATES OF AMERICA,)
)
v.) No. 2:22-cr-00132-NT
)
MERIDETH C. NORRIS, D.O.,)
)
Defendant)

ORDER ON MOTION FOR EARLY DISCLOSURE
OF JENCKS ACT MATERIAL

In this criminal case, Defendant Meredith Norris moves for an order requiring the early disclosure of Jencks Act material. *See* ECF Nos. 67, 87. The Government objects. *See* ECF No. 83.

Norris’s “motion is a non-starter because the First Circuit has made it plain that a district court does not have the authority to mandate” the early disclosure of Jencks Act material. *United States v. Manahe*, No. 2:22-cr-00013-JAW, 2022 WL 3113034, at *4 (D. Me. Aug. 4, 2022); *see United States v. Grandmont*, 680 F.2d 867, 874 (1st Cir. 1982) (“A court may not compel the disclosure of statements of Government witnesses before the conclusion of their direct testimony.”); *United States v. Liberty*, No. 2:19-cr-00030-GZS, ECF No. 145 at 2 (D. Me. Apr. 2, 2020) (“[T]he caselaw makes clear that the Court does not have the discretion to order early disclosure of Jencks material.”); *United States v. Congo*, No. 2:18-cr-00193-JDL-2, 2019 U.S. Dist. LEXIS 144376, at *2 (D. Me. Aug. 26, 2019) (“[I]t is not within this Court’s discretion to compel early disclosure of Jencks Act material over the Government’s objection as requested by the Defendant.”);

United States v. Owens, 933 F. Supp. 76, 80 (D. Mass. 1996) (“[T]he overwhelming majority of cases—including cases from the First Circuit—adhere to a rule that is nearly absolute: district court judges may not, over the government’s objection, compel pretrial disclosure of nonexculpatory Jencks Act material earlier than the close of a witness’s testimony on direct examination.”). Accordingly, Norris’s motion is ***DENIED***.¹

NOTICE

In accordance with Federal Rule of Criminal Procedure 59(a), a party may serve and file an objection to this order within fourteen (14) days after being served with a copy thereof.

Failure to file a timely objection shall constitute a waiver of the right to review by the district court and to any further appeal of this order.

Dated: December 8, 2023

/s/ Karen Frink Wolf
United States Magistrate Judge

¹ In its opposition, the Government indicates that it has—on a voluntary basis—“already commenced early *Jencks* productions” and that it will continue to produce materials as they become available. See ECF No. 83 at 2-3. Norris is free to request a conference with the Court if there are any issues with that process. See *Manafe*, 2022 WL 3113034, at *4 (“[T]he Government has represented that it has and will continue to provide Jencks Act material as it is received. If a further issue arises, the Defendants are free to bring it to the attention of the Court.”).